



## TOWN OF AMHERST

Select Board

4 Boltwood Avenue

Amherst, MA 01002

413-256-4001

---

### GUIDELINES FOR APPLYING FOR LIQUOR LICENSES

#### For Original and Transfer Applications

1. Contact the **Zoning Board of Appeals (ZBA)**, 256-4032, to obtain a special permit. Special permits expire upon change of ownership or management. The ZBA decision is required prior to the Select Board's action on the liquor license application.
2. Complete the five-page standard application form and additional forms as provided at the Select Board Office (256-4001). Available online at: <http://www.state.ma.us/abcc>
3. If your company is incorporated, the following information is also required with your application:
  - A. Articles of Organization as filed with the Massachusetts Secretary of State, including the Official Seal of the Secretary of State. Also, you should be sure your Articles of Organization include language allowing the sale of alcoholic or wine and malt beverages.
  - B. Copy of the vote of the Board of Directors appointing the manager.
4. If your company is a partnership, a copy of the partnership agreement must be included. Both partners must be listed as managers and, therefore, both partners must be U.S. citizens.
5. If you are neither a corporation nor a partnership, you are required to file a business certificate (\$20 fee) with the Amherst Town Clerk (256-4035).
6. A copy of blueprints (preferably on 8.5"x11") or a hand drawn sketch (to scale) of your business must be submitted with the application. If only a portion of the square footage of your business will be devoted to the sale of alcoholic beverages (e.g., a grocery store, which also sells wine and malt package goods), that area should be clearly marked.
7. If leasing, also include a copy of the complete lease for the premise to be licensed.
8. The Select Board, who is the Local Licensing Authority (LLA), will act on your application within 30 days of its receipt in their office.
  - A. You will be scheduled to appear before the Board, during a public hearing, to make a presentation about your application.
  - B. A legal advertisement (for which you will be billed) will be placed in the Daily Hampshire Gazette a minimum of ten days before your hearing.

- C. For new licenses, within three days of the legal advertisement, you must notify your abutters, i.e., any person whose property touches the proposed premises via return receipt requested mail. If your premises is located within 500 feet of a church, synagogue, hospital, elementary or secondary school, you must also notify same via return receipt requested mail. Representatives from the institutions may file written objections with the Select Board and may appear at the public hearing to speak against or for your application. The receipts for certified mail, the green return receipts and the Assessor's certified list for the mailing must be turned in to the Select Board's Office at or before the hearing.
  - D. Certified abutters list are obtained through the Assessor's Office (256-4024). The Assessors have ten days to process an Application for Abutters List. The abutters list cost between \$25 - \$75, depending on the number of abutters.
  - E. You should be prepared to answer any questions the Board may have about your proposed operation, e.g., controls for checking IDs, why you are applying for a license, etc.
9. If approved by the Select Board/Local Licensing Authority (LLA), the application shall be forward to the Alcoholic Beverages Control Commission (ABCC) for final approval.

If the application is denied, the LLA submit a Statement of Reasons to the applicant and the ABCC, and a Right to Appeal notice to the applicant. The applicant may appeal the LLA decision to the ABCC, 100 Cambridge Street, Boston, MA 02202 within five days of receipt of the Statement of Reasons.

10. Other Information

- A. Managers must be U.S. citizens and at least 21 years of age.
- B. The ABCC requires that a check or money order for \$50 (made payable to the Alcoholic Beverages Control Commission or the Commonwealth of Massachusetts) be submitted with the application. The Town's fee will vary depending on the type of license.
- C. The fees for licenses are annual (based on a calendar year).
- D. The Amherst Police Department offers **Alcohol Server Training Programs** and provides periodic meetings with licensees to update them on new procedures. For more information, contact the Chief's Office at 256-4011.
- E. All On Premise liquor license holders in Amherst are required to serve food, and obtain a **Common Victualler License** (issued by Select Board) as described in the policy below:

*It is the policy of the Select Board to require an establishment licensed under the provisions of Chapter 138 to have a Common Victualler's license and serve, as a minimum, a variety of hot and cold sandwiches, soups, salads, desserts and non-alcoholic beverages.*

You will also need to contact the **Inspection Services Department** (256-4030) for any necessary licenses or permits they may require.

- F. If you plan to have **coin-operated amusement devices**, you will need to obtain both Town and State licenses. These forms may be obtained from the Select Board's Office. This may also necessitate a Special Permit from the Zoning Board of Appeals if over six (6) machines.
- G. If you intend to have **live entertainment**, first contact the Zoning Board of Appeals to determine if a Special Permit is necessary. You must also obtain a license from the Select Board.
- H. If all paperwork is in order, items 8. E, F, & G may all be heard by the Select Board at the same time as the alcohol license.

**WHY APPLICATIONS ARE DISAPPROVED OR RETURNED WITHOUT ACTION BY THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (ABCC)**

- 1. Taxes owed to the Commonwealth or the Town of Amherst.
- 2. Manager is not a citizen.
- 3. Board of Directors not citizens or residents of Massachusetts.
- 4. Investigator unable to complete report after several attempts.
- 5. Quota full.
- 6. No check submitted.
- 7. Forms not completed.
- 8. Supplemental information not completed.

## DOCUMENTS NECESSARY FOR ABCC TO PROCESS LIQUOR LICENSE TRANSACTIONS

✓	#	NEW LICENSE or TRANSFER OF LICENSE
	1.	Zoning Special Permit. Issued by the Zoning Board of Appeals.
	2.	List of Abutters. Obtained from the Assessors Office.
	3.	\$50.00 check or money order made payable to <b>COMMONWEALTH OF MASSACHUSETTS AND/OR ALCOHOLIC BEVERAGES CONTROL COMMISSION</b>
	4.	Five (5) page application form.
	5.	Form 983 – <i>needed for transfer of license only.</i>
	6.	Articles of Organization (if a Corporation) as filed with the Massachusetts Secretary of State (must contain the Seal of the Secretary of State).
	7.	If the applicant is a partnership, a copy of the partnership must be included.
	8.	If the applicant is a corporation, vote of the Board of Directors of the Corporation appointing a <b>MANAGER</b> must be included. ALL MANAGERS MUST BE UNITED STATES CITIZENS, AND MUST BE AT LEAST 21 YEARS OF AGE.
	9.	ABCC FORM A. If a corporation, the manager must complete the form. If a partnership, each partner must complete the form. IF an individual, the individual must complete the form.
	10.	Notice of hearing must be advertised in local newspaper. The Local Licensing Authority will advertise the hearing and bill the applicant for the cost of the advertisement.
	11.	Must notify abutters by Certified Mail – <i>needed if new license:</i> A sample Affidavit of Notice of Mailing to Abutter and Others has been included.
	12.	Churches, synagogues, hospitals and public or private elementary or secondary schools located within 500 feet of the premises of a liquor-serving establishment must be notified by registered mail.
	13.	A copy of the blueprints or a hand-drawn floor plan (drawn to scale) of the proposed new premises.
	14.	If the applicant is leasing the premises, a copy of the lease must be included.
	15.	Purchase and sale documents, <i>if a transfer.</i>
	16.	Documents verifying sources of financing (i.e. loan papers, checking accounts, stock sales, etc.)
	17.	Submit application for Common Victualler's License and other applicable licenses.
	18.	Submit License Attestation.